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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,115	03/30/2001	Roald G. van Borselen	P305641/S	9197

7590 07/08/2002
Arnold & Associates
Suite 800
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Houston, TX 77057

EXAMINER

GUTIERREZ, ANTHONY

ART UNIT	PAPER NUMBER
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2862

DATE MAILED: 07/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,115

Applicant(s)

BORSELEN, ROALD G. VAN

Examiner

Anthony Gutierrez

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 7/2/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there are no page numbers indicated for the two listed non-patent documents. It is unclear whether these articles are complete without knowing the necessary page numbers for consideration. The IDS has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Drawings

2. The drawings are objected to because they indicate numbers corresponding to steps in the specification rather than a brief verbal description of the steps. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon the description on page 7 of the application, of "example embodiments" of the invention as opposed to "preferred embodiments". There are several examples of handling a given step utilizing a technique well known in the art. There are also several examples of handling a step by a described method alternative to the one presently being considered. There is no clear single preferred embodiment that includes the best mode for handling steps of the present invention.

4. The following art rejection is made as best understood in view of the 112 rejected noted above.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21 (2) (a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351 (a).

6. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Runnestrand et al. (6393365).

As to claims 1, 4, 7, 10, 13, 15 and 19, Runnestrand et al. discloses a method of identification of primary events in seismic data, the method comprising: sorting the data by frequency wherein at least some non-primary events are separated from primary events, wherein a frequency-sorted gather of data results (col. 4, lines 3-11); attenuating in the frequency-sorted gather amplitudes above a pre-selected base amplitude, wherein attenuated amplitudes result (col. 3, lines 15-26); applying a coherency filter to the events, wherein coherent events are identified (col. 4, lines 12-56); and replacing with amplitudes from the coherent events attenuated amplitudes in the frequency-sorted gather corresponding to the coherent events (col. 4, lines 57-67).

As to claims 2, 5, 8, 11, and 16, in view of the reference as applied above Runnestrand et al. discloses a method wherein the attenuating comprises reducing amplitude (col. 3, lines 20-23) wherein muting is a step of reducing amplitude.

As to claims 3, 6, 9, 12, and 17 in view of the reference as applied above Runnestrand et al. discloses a method wherein the attenuating comprises muting (col. 3, lines 20-23).

As to claims 14, and 18, in view of the reference as applied above Runnestrand et al. discloses a method in which the coherency filter is applied in windows (col. 5, lines 1-10).

Conclusion


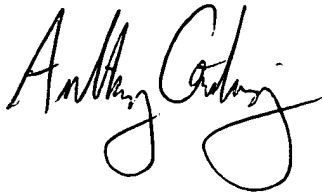
7. Any inquiry concerning this communication should be directed to Anthony Gutierrez whose telephone number is (703) 305-1973.

Any questions addressed toward a Supervisory Primary Examiner should be directed to Edward Lefkowitz whose telephone number is (703) 305-4816.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4900. The fax number is (703) 306-5515.

Anthony Gutierrez

7/1/02



EDWARD LEFKOWITZ
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